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9 Attorneys for United States of America

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 SAN FRANCISCO DIVISION

14 UNITED STATES OF AMERICA,) Case No. CR 17-CR-00093 WHA
15 Plaintiff,)
16 v.) STIPULATION AND [PROPOSED] ORDER
17 MARCUS ETIENNE, and) FINDING MARCUS ETIENNE AND MARIO
18 MARIO ROBINSON) ROBINSON IN CRIMINAL CONTEMPT OF
19 Defendants.) COURT UNDER FED. R. CRIM. P. 42(b)
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21 It is hereby stipulated by and between counsel for the United States and counsel for the
22 defendants Marcus Etienne and Mario Robinson:

23 On April 15, 2022, the government issued a subpoena to Marcus Etienne and Mario Robinson to
24 appear and testify in the trial of Burke Gucci Rhodes. That trial was scheduled to begin on June 6, 2022.

25 On April 19, 2022, counsel for Etienne and Robinson informed the Court that Etienne and
26 Robinson would refuse to testify in response to the subpoena. Dkt. 621.

1 On June 6, 2022, the first day of trial, Etienne and Robinson were brought to Court by the
2 Marshals. The Court informed both Etienne and Robinson of their obligation to testify and that the
3 Court would grant them immunity against the use of their testimony in a future prosecution. The Court
4 also informed them that it would find them in contempt if they refused to testify. Both Etienne and
5 Robinson refused to testify.

6 The Court ordered that both Etienne and Robinson be held in civil contempt for the duration of
7 the trial, unless and until they complied with their obligation to testify.

8 The trial concluded on Monday, June 13, 2022, without either Etienne and Robinson agreeing to
9 testify.

10 **IT IS SO STIPULATED.**

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12 DATED: July 8, 2022

Respectfully submitted,

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14 STEPHANIE M. HINDS
United States Attorney

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16 */s/ Kevin Rubino*
KEVIN RUBINO
CASEY BOOME
17 Assistant United States Attorneys

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19 DATED: July 8, 2022

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21 */s/*
SHAFFY MOEEL
22 Attorney for Defendant
MARIO ROBINSON

23
24 DATED: July 8, 2022

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26 */s/*
DARLENE BAGLEY COMSTEDT
27 Attorney for Defendant
MARCUS ETIENNE

1 **[PROPOSED] ORDER**

2 For their failure to comply with the Court's Order to testify, the Court finds that Etienne and
3 Robinson committed criminal contempt. Under Fed. R. Crim. P. 42(b), the Court imposes a sentence of
4 six months imprisonment to run consecutive to their current federal sentences.

5 **IT IS SO ORDERED.**

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7 DATED: July 18, 2022

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HON. WILLIAM ALSUP
United States District Court Judge